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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,269	08/13/2001	David B. Flaxer	YOR920010030US1	5306
30743	7590	10/28/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C.			RHODE JR, ROBERT E	
11491 SUNSET HILLS ROAD			ART UNIT	
SUITE 340			PAPER NUMBER	
RESTON, VA 20190			3625	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,269

Applicant(s)

FLAXER ET AL.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Request for Reconsideration

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Applicant's request of 10-14-05 traversed rejections of Claims 3 – 4 and 6 - 10.

Currently, claims 3 – 4 and 6 - 10 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1 for example, the phrase "without distinction " is a relative phrase, which renders the claims indefinite. The phrase "without distinction " is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For example, the identified bundle being processed by the method and system would have to have some identified distinction relative to it's pricing. Otherwise, how is the bundle to receive the incentive price? For examination purposes, the phrase "without distinction" will be treated as a

capability to process and ensure delivery of placed orders by a virtually entitled group(s) such as the Federal Government.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1 for example, the phrase "back end " is a relative phrase, which renders the claims indefinite. The phrase " back end " is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For examination purposes, the phrase "back end" will be treated as a capability to process and ensure delivery of placed orders by virtually entitled Groups such as Federal Government.

In turn, claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1 for example, the phrase "front end" is a relative phrase, which renders the claims indefinite. The phrase " front end " is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For examination purposes, the phrase "front end" will be treated as a capability to present a web interface and online store for selecting and ordering for virtually entitled Groups such as the Federal Government.

Additionally, claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

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matter which applicant regards as the invention. In Claim 1 for example, the phrase "ancillary e-commerce services " is a relative phrase, which renders the claims indefinite. The phrase " ancillary e-commerce services " is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For examination purposes, the phrase "ancillary e-commerce services" will be treated as a capability of an online configurator for enabling ease of configuring as well identifying the user/customer as belonging to prescribed customer set/Group such as the Federal Government.

Also, claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1 for example, the phrase "virtual entitled groups " is a relative phrase, which renders the claims indefinite. The phrase " virtual entitled groups " is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For examination purposes, the phrase "virtual entitled groups" will be treated as a capability for the online method and system to identify and establish a tailored online store to support the selecting, ordering and delivering according to identification of the user/customer belonging to prescribed customer set/group such as the Federal Government.

Furthermore claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

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subject matter which applicant regards as the invention. In Claim 1 for example, the phrase "bundle definition process " is a relative phrase, which renders the claims indefinite. The phrase " bundle definition process " is not defined by the claim(s), the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For examination purposes, the phrase "bundle definition process" will be treated as an online capability for associating bundled sets of products with characteristics such as discount pricing and customer/industry specific solutions such as for the Federal Government.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 – 4 and 6 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (US 6,167,383) in view of Official Notice.

Regarding claim 3 and 4, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications comprising the steps of -
providing a bundle definition process, where a solution bundle is created and loaded into the various components that support an e-commerce application, including the font-

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end and back-end application fulfillment systems (see at least Abstract and Figure 1); mapping customizable solution bundles into a virtual entitled group and processing the virtual entitled group, without distinction with other entitled groups, by back-end fulfillment systems and ancillary e-commerce services (see at least Col 2, lines 61 – 65, Col 3, lines 36 – 41 and Figure 8); providing a user interface as a component of the e-commerce front-end application, which presents a solution bundle configuration to the user and manages an order selection based on established bundle rules (see at least Figures 3A & B); providing an order process, whereby the e-commerce application passes the solution bundle order to the back-end application fulfillment systems for completion (see at least Figures 6 – 10); and recognizing a unique distinguished identifier, for each marketable item in an order that allows the front-end, back-end fulfillment and ancillary service components to associate an item to a given bundle, thereby resolving characteristics, including an incentive price of the item (see at least Col 14, lines 35 – 43 and Col 15, lines 46 – 50), wherein a customizable solution bundle is mapped into a subset catalog of the master catalog containing a preselected marketable elements that represent a set of products that a marketing organization determines is suitable for a class of customer based on experience gained by the marketing teams for that industry (Abstract, Col 2, lines 61 – 67, Col 3, lines 1 - 44 and Figures 1, 3A and 8).

Please note that Henson discloses online stores for selecting and ordering industry/customer specific products, which includes a core database of products (i.e. catalog) with the options from this core database automatically selected according to

identifying the user belonging to prescribed customer set such as the Federal Government (i.e. subcatalog).

Henson does not specifically disclose and teach incentive price.

On the other hand, Henson does disclose pricing and discounts for various customers with the Premier Pages established for specific customer sets such as the Federal Government and Henson does disclose the capability to emulate a sales rep that has been called by the customer. In this regard, it was old and well known (see Bennett, Para 0128) that a sales rep would apply incentives such as price where appropriate. Therefore, it would have been obvious to have provided the method of Henson with appropriate incentive price as determined by the sales and marketing staff. Indeed, the incorporation of off line sales/incentive techniques in the online ecommerce site will increase the probability that the customer will continue to use these methods and systems due to pricing and tailoring items for each of the entitled groups as taught by Henson.

Regarding claim 6, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, further comprising the step of recommending products and guiding the customer through a solution, whereby the customer is allowed to select marketable items from the subset catalog in which to customize their solution (Abstract, Col 2, lines 61 - 67 and Figures 3A – 10).

Regarding claim 7, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, wherein solution bundles are tailored to specific industries or classifications of customers, whereby many solution bundles may be defined by a given vendor (Abstract, Col 3, lines 1 – 11 and Figures 8).

Regarding claim 8, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, wherein the solution bundle is dedicated to a specific industry or class of customer (Figure 8).

Regarding claim 9, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, wherein a solution bundle which, when selected by the customer, results in a pricing discount (Col 14, lines 35 - 45).

Regarding claim 10, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, wherein a variety of differing pricing discounts are applied against individual marketable elements or on the entire solution bundle as a whole, depending on rules applied, the application of a pricing discount being dependent on a selection the customer chooses at the time they are customizing their solution (Col 10, lines 49 – 67 and Col 5, lines 1 – 11).

Response to Arguments

Applicant's arguments for reconsideration, filed 10-14-05, with respect to the rejection(s) of claim(s) 3 – 4 and 6 - 10 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the 35 U.S.C. 112, second paragraph rejections and the 35 USC 103(a) rejection.

The Applicant argues that Henson does not disclose the processing of a virtual entitled group, without distinction with other entitled groups by back end fulfillment systems.

As note in the above rejection and in a reasonable broad interpretation of "processing of a virtual entitled group, without distinction with other entitled groups", Henson does process each virtual entitled group with selected products for that customer set or for another customer set (see at least Abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and includes "Computer buyers are urged: Try it, you'll like it"; Susan Avery; Purchasing; Boston; Jun 15, 2000", which discloses online purchasing with customized catalogs.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**.

The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300

[Official communications; including
After Final communications labeled
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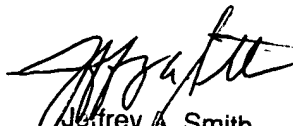
For general questions the receptionist can be reached at

571.272.3600

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Jeffrey A. Smith
Primary Examiner